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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN-BENEDICT GALANG ALCANTARA,

Defendants.

Case No.: 2:14-mj-00447-VCF

STIPULATION TO CONTINUE
PRELIMINARY HEARING
(Sixth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United States Attorney; Allison L. Herr, Special Assistant United States Attorney, counsel for the United States of America and Dayvid Figler, counsel for defendant JOHN-BENEDICT GALANG ALCANTARA., that the preliminary hearing date in the above-captioned matter, currently scheduled for July 20, 2015 at 4:00 pm, be vacated and continued for sixty (60) days to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. The parties are closed to a negotiated plea agreement, which if successful would obviate the need for the preliminary hearing. These negotiations however have been complicated by certain disputes over factual averments which require research and additional time to negotiate language.

2. The parties agree to the continuance.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for the parties an opportunity to swiftly resolve this matter.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the Sixth request to continue the preliminary hearing.

DATED this 15th day of July, 2015.

DANIEL G. BOGDEN
United States Attorney

RENE L. VALLADARES
Federal Public Defender

By: /s/ Allison Herr
ALLISON L. HERR
Special Assistant United States Attorney

By: /s/ Dayvid Figler
DAYVID FIGLER
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN-BENEDICT GALANG ALCANTARA,

Defendant.

Case No.: 2:15-mj-00030-GWF

FINDINGS OF FACT,
CONCLUSION OF LAW
AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. The parties are closed to a negotiated plea agreement, which if successful would obviate the need for the preliminary hearing. These negotiations however have been complicated by certain disputes over factual averments which require research and additional time to negotiate language.

2. The parties agree to the continuance.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for the parties an opportunity to swiftly resolve this matter.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the Sixth request to continue the preliminary hearing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to prepare for preliminary hearing.

The continuance sought herein is allowed, with the defendant's consent pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 20, 2015 at the hour of 4:00 pm be vacated and continued to September 21, 2015 at the hour of 4:00 p.m.

DATED this 16th day of July, 2015.

Car. Fischer

THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE